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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/476,485 Art Unit: 1644  
Applicant(s): Colucci et al. Examiner: M. Belyavskyi  
Date Filed: December 30, 1999 Conf. No.: 7906  
Docket No.: PHY-003US1/108236.119 Cust. No.: 23483  
Title: **Progenitor Cell Preservation Factors and Methods for and Products of Their Use**

CERTIFICATION UNDER 37 C.F.R. § 1.10

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Alexandria, VA 22313-1450

NOTICE OF APPEAL PURSUANT TO 37 C.F.R. §1.191

Sir:

Applicants hereby appeal to the Board of Appeals from the decision of the Final Office Action mailed September 9, 2004 finally rejecting claims 73-84.

The Commissioner is hereby authorized to charge the required fee of \$340 for the Notice of Appeal to Deposit Account No. 08-0219. The Commissioner is also authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 08-0219.

11/12/2004 LWONDIM1 00000004 080219 09476485

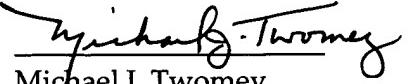
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U.S. Appln. No. 09/476,485  
Our Ref. No.: PHY-003US1/108236.119  
Notice of Appeal dated November 9, 2004

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,  
**WILMER CUTLER PICKERING  
HALE AND DORR LLP**

Date: November 9, 2004

  
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PATENT &amp; TRADEMARK OFFICE

# FEE TRANSMITTAL

## for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 340.00)

## Complete if Known

Application Number	09/476,485
Filing Date	12/30/1999
First Named Inventor	Colucci, et al.
Examiner Name	M. Belyavskyi
Art Unit	1644
Attorney Docket No.	108236.119/PHY-003US1

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number: 08-0219  
 Deposit Account Name: Wilmer Cutler Pickering Hale and Dorr LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)		0.00	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			-3** =	X	=
				0	= 0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		0.00

\*\*or number previously paid, if greater. For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath			
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet			
1053 130	1053 130	Non-English specification			
1812 2,520	1812 2,520	For filing a request for ex parte reexamination			
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action			
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action			
1251 110	2251 55	Extension for reply within first month			
1252 430	2252 215	Extension for reply within second month			
1253 980	2253 490	Extension for reply within third month			
1254 1,530	2254 765	Extension for reply within fourth month			
1255 2,080	2255 1,040	Extension for reply within fifth month			
1401 340	2401 170	Notice of Appeal			
1402 340	2402 170	Filing a brief in support of an appeal			340.00
1403 300	2403 150	Request for oral hearing			
1451 1,510	1451 1,510	Petition to institute a public use proceeding			
1452 110	2452 55	Petition to revive - unavoidable			
1453 1,330	2453 665	Petition to revive - unintentional			
1501 1,370	2501 685	Utility issue fee (or reissue)			
1502 490	2502 245	Design issue fee			
1503 660	2503 330	Plant issue fee			
1460 130	1460 130	Petitions to the Commissioner			
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)			
1806 180	1806 180	Submission of Information Disclosure Stmt			
8021 40	8021 40	Recording each patent assignment per property (times number of properties)			
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))			
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))			
1801 790	2801 395	Request for Continued Examination (RCE)			
1802 900	1802 900	Request for expedited examination of a design application			
Other fee (specify)					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)	340.00

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Michael J. Twomey, 38,349	Registration No. (Attorney/Agent)	38,349	Telephone	(617) 526-6190
Signature				Date	11/09/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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